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JAN 20 2009

AT 8:30 M
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 File Number: 134347

January 16, 2009

VIA FAX

The Honorable Tonianne J. Bongiovanni
 United States District Court
 Clarkson S. Fisher Federal Building &
 U.S. Courthouse, Room 6052
 402 E. State Street
 Trenton, New Jersey 08608

RE: Scottsdale Insurance Company vs. Somerville Fidelco Associates, L.P., et al.
 DOCKET NO. 07-CV-02763

Dear Judge Bongiovanni:

As you know, Your Honor ordered this matter be submitted to mediation. Since the last status conference in December, the parties have come to an agreement to use Judge Keefe of Keefe Bartels & Clark in Red Bank to mediate the case.

I just received word from Judge Keefe's office that they have completed their conflicts check and we are set to move forward. Judge Keefe had 3 dates available in April, but these dates did not work for everyone. Judge Keefe's next opening is May 12, 2009 at 10:00 a.m. His office has that date reserved for us and I have written to all counsel as to their availability. I received one "yes", but no other responses.

As indicated, Judge Keefe was our first choice. If Your Honor feels this date is too far out, I would certainly be willing to try and set something up with one of the other mediators we discussed.

As always, I thank you for your professional courtesy and assistance in this matter.

Respectfully submitted,

Quinn M. McCusker

*The parties shall provide this
 Court with a report on Mediation
 No later than May 15, 2009.*

cc: Jay J. Rice, Esquire

So Ordered this 16 day
 of January, 2009